

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:11cv086**

**BRANDON MICHAEL PICKENS,**

**Plaintiff,**

**vs.**

**MICHAEL J. ASTRUE, Commissioner  
of Social Security,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Plaintiff's unopposed motion, styled as a Motion to Reset Due Date for Plaintiff's Brief. [Doc. 9].

Filing his motion on the day that his brief is due, Plaintiff's counsel states that he has just discovered on September 1 that the administrative record the Defendant filed on June 29 was missing a hearing transcript. Counsel provides nothing by which the Court could find such neglect to be excusable. The Court, therefore, is limited to considering Plaintiff's motion as one for extension of time rather than the motion to modify the case management order.

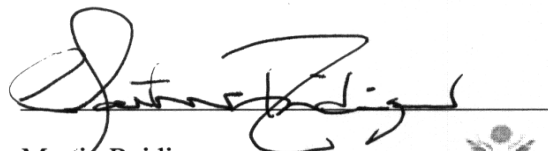
It is, however, the responsibility of the Defendant to provide a full administrative record.

For the reasons stated in the motion and for the efficient administration of this Court's business,

**IT IS, THEREFORE, ORDERED** that Plaintiff's motion [Doc. 9] is **GRANTED in part and DENIED in part**. Plaintiff is hereby granted an extension of time up to and including October 1, 2011 to file a Motion for Summary Judgment. His request to reset deadlines is denied. If the search for a transcript has not borne fruit by September 15, 2011, on that date the Defendant shall report the status of his search for the absent transcript to the Court, and request any needed resetting of deadlines beyond October 1, 2011.

**IT IS SO ORDERED.**

Signed: September 6, 2011

  
Martin Reidinger  
United States District Judge

